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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,819	09/26/2000	Vellore T. Vetrivelkumaran	4254 15-752	4241

22971 7590 06/01/2005

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EXAMINER

POLLACK, MELVIN H

ART UNIT PAPER NUMBER

2145

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/669,819

Applicant(s)

VETRIVELKUMARAN ET AL.

Examiner

Melvin H. Pollack

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6,8,9,15-17,19-22 and 26-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 9,15-17,19-22 and 26-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: see attached office action.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/25/05 has been entered.

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-6, 8, 9, 15-17, 19-22, and 26-32 have been considered but are moot in view of the new ground(s) of rejection.

2. In the response to the last office action, the applicant changed the scope of the claims by making significant changes to all independent claims. The examiner acknowledges that no new matter has been added by this amendment.

3. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "a first computer identify a change in the status of the first computer (P. 14, lines 19-20)") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Claim 1 states identifying a change of status to the server, and required resultant changes to the client, but such identifications may be made by the client, the server, or by some unmentioned proxy/gateway server or administration/monitoring station. Likewise, any of these computers may identify the changes

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that need to be made to a client. Alternately, a user at any of these computers may visually inspect the server changes and manually program the necessary changes. Claim 15 states "...allow a user to change a status of the server computer and to identify...changes that should be made to at least one client," which indicates that a user on the server, and not the server itself, is making the changes.

4. The examiner has determined that Johnson and Chen do not expressly disclose automatic transmitting, from the server, proxy, or remote manager, the identified client configuration change. A new teaching will be added.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claims 1 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: the method, if any, between the client change identification step and the client change transmission step. Specifically, it has been left indefinite as to whether the transmission step occurs automatically or in response to command from any user or administrator, and it has been left indefinite whether this occurs immediately after the identification, and as to whether the client selection of claims 15 and 26 fit into this embodiment and how. Change to the claims is required.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-6, 15-17, 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson, II et al. (6,397,245) in view of Chen et al. (6,021,437) and Li et al. (6,119,165).

10. For claims 1, 17, Johnson teaches a method (see abstract) for updating (col. 1, lines 10-11) a client computer (Fig. 1, 12; Fig. 6, 102) coupled by means of a network (Fig. 1, 18) to a server computer (Fig. 1, 26) comprising:

a. Transmitting a status message to the client computer regarding a change of status (Fig. 6B; esp 130-150 communications) of the server computer (see below);

11. Johnson does not expressly disclose that the status of a server is taken. However, it is clear that the status may be taken regarding a wide variety of problems involving any machine on the network (Fig. 2). The examiner interprets this to mean that the status of the network server may also be determined, i.e. for troubleshooting network and security problems. At the time the invention was made, one of ordinary skill in the art would have allowed Johnson to view a server in order to troubleshoot certain well-known problems such as network connectivity (col. 1, lines 49-60).

12. Johnson does not expressly disclose changing a status of a server computer, but does disclose identifying configuration changes that may be required (Fig. 6B). Chen teaches a real-time monitoring system (abstract) that specifically checks the status and behavior of a server

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(col. 2, lines 30-50; col. 13, lines 5-15). It is obvious in this that the status of the server may be changed, i.e. a connection failure. Chen further provides that the status of a server may be changed deliberately, i.e. through an upgrade (col. 2, lines 64-67). At the time the invention was made, one of ordinary skill in the art would have added the changing of a status computer, and the checking thereof, to determine if items were okay after an upgrade (col. 1, lines 50-55).

13. Johnson and Chen do not expressly disclose that the status message includes the identified at least one client configuration change. Li teaches a method (abstract) of providing status messages to clients (col. 1, line 1 – col. 2, line 33) including configuration changes (col. 6, lines 1-10) and automatic pushing on the client thereof (Figs. 1 and 2). At the time the invention was made, one of ordinary skill in the art would have added Li in order to automate diagnostic and repair processes of software (col. 6, lines 1-5).

14. For claim 2, Johnson does not expressly disclose determining if the identified at least one client configuration change is required to be made at the client computer, and transmitting the status message only if the change is required. Li provides this limitation as well (col. 3, lines 10-30). At the time the invention was made, one of ordinary skill in the art would have added Li in order to automate diagnostic and repair processes of software (col. 6, lines 1-5).

15. For claims 3, 19, Johnson does not expressly disclose the step of transmitting a status message to the client in response to periodic polling of the server status by the client computer. Chen provides a periodic polling of a server (col. 2, lines 40-51). At the time the invention was made, one of ordinary skill in the art would have used Chen's polling system in order to solve Johnson's dilemma of providing status changes over time (col. 2, lines 9-20).

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16. For claim 4, Johnson does not expressly disclose that the server computer performs the step of transmitting a status message by sending the status message to the client computer. Li teaches this component as well (col. 6, lines 4-10). At the time the invention was made, one of ordinary skill in the art would have added Li in order to automate diagnostic and repair processes of software (col. 6, lines 1-5).

17. For claim 5, Johnson teaches that there are a plurality of client computers coupled to the server computer by means of the network (Fig. 1, #14, #16, #20, etc.) and wherein the server computer sends the status message to each of the client computers (col. 7, lines 60-65).

18. For claims 6, 20, Johnson teaches that the details in the change in status of the server computer includes a list of updated server computer status features (Fig. 5)

19. Claim 15 is drawn to the limitations in claim 1. Johnson also teaches a read-only status component for exposing a detailed listing of the updated status of said server and the changes to be made to the client (col. 9, lines 14-26). Therefore, since claim 1 is rejected, claim 15 is also rejected for the reasons above.

20. For claim 16, Johnson teaches that the communications component is a DCOM server component having an interface exposed to a DCOM client residing on the one or more client computers (Fig. 6, 134).

21. Claims 8, 9, 21, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson and Chen and Li as applied to claims 1, 17 above, and further in view of DeKoning et al. (6,480,955).

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22. For claims 8, 21, Johnson, Chen, and Li do not expressly disclose automatically reconfiguring the client computer based on the details of the change of status in the server computer. DeKoning teaches a method (see abstract) of remote system monitoring and reconfiguration (col. 1, lines 24-30) in which the server automatically manages changes to the client computers (col. 2, lines 35-50). At the time the invention was made, one of ordinary skill in the art would have used a DeKoning automatic reconfiguration system to fulfill Johnson's goal of making administration more user-friendly (Johnson, col. 1, line 60 – col. 2, line 5) by providing a system that is easier to manage (DeKoning, col. 2, lines 1-11).

23. For claims 9, 22, Johnson, Chen, and Li do not expressly disclose displaying a message at the client computer that a status of the client computer has automatically been reconfigured based on the change of status of the server computer. DeKoning teaches this limitation as well (col. 2, lines 50-55). At the time the invention was made, one of ordinary skill in the art would added a DeKoning status update to Johnson's system because users expect to see system updates (col. 1, lines 51-55).

24. Claims 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson and Chen and Li as applied to claims 1, 17 above, and further in view of Reha et al. (6,282,709).

25. For claim 26, Johnson teaches that for use with a computer having a graphical user interface including a display (Fig. 2-5) and a user interface selection device (col. 6, lines 11-14), a method (see abstract) of updating a configuration of the computer (col. 1, lines 10-11) by means of computer setup wizard (col. 9, lines 14-26) which comprises the steps of:



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- a. Receiving a notification from the server that at least one of multiple server configuration settings has been updated (col. 9, lines 15-25);
  - b. Determining an updated status of the multiple server configuration settings (col. 10, lines 30-55);
  - c. Displaying a list of client reconfiguration choices corresponding to the updated server status (Fig. 5);
  - d. Receiving user input to accept or modify the list of client reconfiguration choices (col. 7, lines 30-35).
26. Johnson does not expressly disclose updating a configuration in response to a reconfiguration of a network server. Chen teaches this limitation, as shown in the claim 1 discussion. At the time the invention was made, one of ordinary skill in the art would have combined the two inventions for the reasons provided in the claim 1 discussion.
27. Johnson and Chen and Li do not expressly disclose providing a command button which when actuated by the user begins the process of reconfiguring the client computer based upon the list of client reconfiguration choices. Reha teaches a method (see abstract) of monitoring a server (Fig. 2) and reconfiguring the client in response to said changes (col. 1, lines 50-65) in which command buttons are provided (Fig. 4) which when actuated by the user begin the process of reconfiguring the client computer (Fig. 5). At the time the invention was made, one of ordinary skill in the art would have added this selection ability to Johnson in order to allow users to download changes that they feel comfortable making (col. 1, lines 45-49).
28. For claim 27, Johnson and Chen and Li do not expressly disclose that a list of checkboxes are presented on the display which allow the user to select desired client reconfigurations from

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the list of client configurations. Reha teaches this limitation (col. 6, lines 32-38; col. 7, lines 20-30; col. 8, lines 5-10; col. 9, lines 30-55). At the time the invention was made, one of ordinary skill in the art would have added these checkboxes to Johnson because there may be times when users do not wish to add specific components (col. 8, lines 5-10).

29. For claim 28, Johnson and Chen and Li do not expressly disclose that the checkboxes have an initial state of being either checked or unchecked based on a sensed configuration of the server computer. Reha teaches that the selected components are at least partially based on how well the server configuration matches the client configuration (col. 9, lines 33-60). At the time the invention was made, one of ordinary skill in the art would have added these checkboxes to Johnson because they would have assumed an unsophisticated user (col. 1, lines 30-35) and desired to help the user determine which components to download (col. 7, lines 59-65).

30. For claim 29, Johnson teaches that at least one checkbox relates to a disk drive configuration on the client for sharing access to a disk drive on the network (Fig. 2, 161).

31. For claim 30, Johnson teaches that at least one checkbox relates to adding shared Internet access through a server connection to the Internet by means of communications with the server over a network (Fig. 2, 161).

32. For claim 31, Johnson teaches that at least one checkbox relates to adding secure access to services of the server from the client computer by means of network password protection (Fig. 2, 162).

33. For claim 32, Johnson teaches that at least one checkbox relates to a printer reconfiguration on the client computer based on a presence of a printer coupled to a network (Fig. 2, 163).

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***Conclusion***

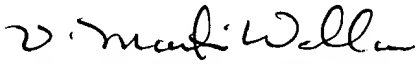
34. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. They relate to teachings of monitoring and modifying clients through a server and/or proxy system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H. Pollack whose telephone number is (571) 272-3887. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (571) 272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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MHP  
27 May 2005

  
VALENCIA MARTIN-WALLACE  
SUPERVISORY PATENT EXAMINER